

337.1 POLICY

This policy has been developed to provide police personnel with guidelines and principles for the collection, access, use, dissemination, retention, and related information applicable to the implementation of a Facial Recognition Program. This policy and the required training will ensure that all uses are consistent with authorized purposes and applicable law while not violating the privacy of individuals. Further, this policy will delineate the manner in which requests for facial recognition are received, processed, catalogued, and responded to.

337.2 DEFINITIONS

- A. Outside Law Enforcement Agency - Any law enforcement agency, other than the Fort Worth Police Department, including, local, state, and federal.
- B. Probe Images - A probe image is an image of an unknown individual submitted to the Facial Recognition Program in an attempt to identify that individual.
- C. Candidate Images - Candidate images are those images identified by the Facial Recognition System as potential matches to a probe image. These candidate images are accompanied by basic biographical data.
- D. Image Repository - A collection of images of known individuals whose basic biographical data has been previously obtained.
- E. Unsolved Image Files - Images of unknown individuals that have been submitted to the Facial Recognition System as probe images which did not yield a verified, positive identification.

337.03 AUTHORIZED USES AND LIMITATIONS

- A. Any use of the Facial Recognition System must be specifically authorized by the Fort Worth Police Department and be in accordance with laws, statutes, policies, and procedures governing the department. Facial Recognition may be used in the following manner:
 - 1. Identify an individual as part of an active or ongoing criminal investigation;

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- 2. Identify a deceased individual or a person who is reasonably believed to need assistance and lacks the capacity or is otherwise unable to identify him or herself;
 - 3. To assist in the investigation and/or corroboration of tips or leads which have a criminal nexus or pose an imminent threat to health or safety;
 - 4. A reasonable suspicion that an identifiable individual has committed a criminal offense or is involved in or planning criminal conduct or activity that presents a threat to any individual, the community, or the nation and that the information is relevant to the criminal conduct or activity; or
 - 5. To support law enforcement in critical incident responses and mass gatherings.
- B. Limitations - The following limitations apply to the use of the Facial Recognition System:
 - 1. Facial recognition is an investigative tool.
 - 2. Comparison results are not considered positive identification and shall not be used as the sole factor in determining probable cause to obtain a warrant for arrest or search.
- C. Authorized Users and Requestors
 - 1. Only authorized police personnel who have undergone approved training on the Facial Recognition System are permitted to access or otherwise use the system.
 - 2. Internal requests for facial recognition searches can only be made by sworn personnel.
 - 3. Outside Law Enforcement Agencies are not permitted to access or use the Department's Facial Recognition System to conduct their own searches, but may submit a search request to the Department in accordance with this policy.
 - 4. Search requests from non-law enforcement agencies shall be denied.

D. Images

Only lawfully obtained images are permitted to be used by the Facial Recognition System. This includes probe images as well as those in the image repository.

337.04 SEARCH REQUESTS

- A. Internal Requests – Officers shall submit requests for facial recognition searches to the Fort Worth Intelligence Exchange (INTEX) in writing. All requests must include a unique identification number, the requester, and the purpose of the request.
- B. External Requests – Officers may submit probe images and requests for facial recognition searches to other law enforcement agencies through the INTEX Supervisor. All requests must abide by the requirements of this policy and the policy of the department to whom the search is made. The INTEX Supervisor is authorized to deny the request. If the Department will incur an expense for the search, it must be approved by the INTEX Supervisor prior to the request being submitted to the other agency.
- C. Outside Agency Requests - All requests from outside law enforcement agencies must be submitted on the approved request form which shall be reviewed and approved by the INTEX Supervisor. The form must be completely filled out and include a unique identification number. The requestor must sign the form.
- D. Previously Denied Requests - Any person resubmitting a search request which was previously denied shall state on the request that it was previously denied and any changes in circumstances which indicate a need for reconsideration.
- E. Unknown Image File Request - Probe images related to criminal investigations which failed to yield investigative leads or only yielded investigative leads which have been exhausted without positive identification of the individual may be added to the unsolved image repository at the request of a detective familiar with the investigation and ongoing investigative need for identification of the individual. Such request shall contain all



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information required for an initial request and confirm the ongoing investigative need to conduct further searches.

337.05 ACQUIRING AND RECEIVING FACIAL RECOGNITION INFORMATION

- A. Search Processing
 - 1. The following describes the police department's automated facial recognition search procedure, which is conducted in accordance with a valid law enforcement purpose and this policy:
 - a. Personnel authorized by the INTEX Supervisor will review each search request to ensure the search is authorized under this policy and consistent with the expectations of the Department and shall have the authority to deny any search request. Such denial can only be overridden by the INTEX supervisor or the supervisor's direct chain of command.
 - b. Once a search is approved, authorized police personnel will submit a probe image of a subject of interest to the Facial Recognition System and conduct an automated search of authorized image repositories and files.
 - c. Original probe images shall not be altered, changed, or modified in order to protect the integrity of the image. Any enhancements made to a probe image will be made on a copy, saved as a separate image, and documented to indicate what enhancements were made.
 - d. The initial automated search shall be unfiltered. Subsequent automated searches of the probe image may include filters, if needed. In some cases, enhancements may be considered for subsequent searches.

- e. The resulting candidate images, if any, shall be manually compared with the probe image(s) and examined by an authorized, trained examiner. Examiners shall conduct the comparison of images, in accordance with their training, identify any candidate images which are incompatible with the probe image, and remove them from the candidate image list.
- f. The examiner shall submit the automated and manual search results to another authorized, trained examiner for peer review. Multiple peer reviews may be completed, but are not required. The INTEX Supervisor is permitted to be the examiner conducting the peer review.
- f. After peer review, and with the approval of the INTEX Supervisor, the “most likely” candidate image results may be released to the requestor.
- g. All search results, other than those returning no candidate images, provided to the requestor shall include a cover sheet with the following warning:
The following facial recognition search results are being provided by the Fort Worth Police only as an investigative lead. These results ARE NOT TO BE CONSIDERED A POSITIVE IDENTIFICATION OF ANY SUBJECT. The possible connection or involvement of any subject to the investigation must be determined through further investigation and investigative resources. These results should NOT be the sole factor in requesting a probable cause warrant for search or arrest.
- h. Unsolved image file searches shall also be conducted and verified in accordance with this section.

B. Image Repositories and Files

1. Internal Image Repositories. The Facial Recognition System can access and perform facial recognition searches utilizing the following face image repositories:

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- a. Fort Worth Police Department mug-shot images,
- b. Internal Fort Worth Police Department Sex Offender Registry photographs, and
- c. Other Fort Worth Police Department images that have been legally obtained.
2. External Image Repositories. The Facial Recognition System may also access and perform searches utilizing the following external repositories:
 - a. Mug-shot images with permission from other Law Enforcement Agencies,
 - b. Sex Offender Registry photographs,
 - c. Driver’s license and State Identification Card photographs,
 - (1) Searches conducted using the state Driver License and Identification Card repositories must be conducted in compliance with all applicable laws including, but not limited to, Chapter 730 of the Texas Transportation Code and 18 U.S.C. §2721 (prohibiting the release of certain personal information from motor vehicle/driver license records).
 - d. Gang file images maintained in accordance with applicable law, and
 - e. Other lawfully maintained governmental entity or law enforcement agency repositories.
3. The Facial Recognition System may access and perform searches of image repositories or sources made available to the general public.

C. Recipient Responsibilities

Employees shall use facial recognition search results only as an investigative lead. Any employee receiving facial recognition search results shall ensure the results are not used as the sole factor in requesting a probable cause warrant for search or arrest, and ensure the records are retained in compliance with the state and local retention schedule.

337.06 TRAINING, OVERSIGHT, AUDIT, AND RETENTION

A. Training

1. Before access to the Facial Recognition System is authorized, examiners will be required to participate in training regarding the authorized use of the Facial Recognition System.
 2. Employees requesting comparisons shall receive training on request submission, use of results, and constitutional/privacy issues.
- B. Oversight
1. The primary responsibility for the operation of the Facial Recognition Program, including the receiving, seeking, retention, evaluation, data quality, use, sharing, disclosure, or dissemination of information, is assigned to the INTEX Supervisor.
 2. The INTEX Supervisor has primary oversight of the department's Facial Recognition System and shall:
 - a. Ensure that the Facial Recognition Program remains in compliance with applicable laws, regulations, and policies including Criminal Justice Information System standards.
 - b. Ensure that appropriate sanctions are enforced for violations of the policy.
 - c. Ensure that scheduled audits are completed.
 - d. Conduct unscheduled audits twice per year.
- C. Audits
1. Queries made to the Facial Recognition System shall be logged into the system identifying the user initiating the query. All user accesses are subject to review and audit.



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2. The INTEX Supervisor shall maintain an audit log of requested, accessed, or searched facial recognition information. An audit log will be kept for a minimum of three (3) years. Audit logs will include:
 - a. The name, agency, and contact information of the search requestor
 - b. The name and ID number of the authorized examiner and peer reviewer
 - c. The date and time of system access
 - d. Case or unique identification number
 - e. The image repositories or file types searched
 - f. The authorized law enforcement or public safety justification for access (e.g. criminal investigation, criminal intelligence, imminent threat, etc.).
 3. The INTEX Supervisor shall conduct a quarterly audit of the Facial Recognition System to assure compliance with this policy. The audit will include:
 - a. Summary of how the audit was completed
 - b. Findings of the audit, including any identified violations or need to revise policy,
 - c. Actions taken to address violations or revision to policy.
 4. The quarterly audit will be forwarded through the chain of command to the Bureau Deputy Chief. The Support Bureau Assistant Chief or designee may conduct random audits to ensure compliance with this policy.
- D. Retention
1. All facial recognition search records shall be retained in accordance with the state and local retention schedule.
 2. The recipient of search results shall be responsible for ensuring the search result records provided to them are retained in compliance with state and local retention schedules.

- B. A person whose vehicle has been rendered inoperable because of an accident may be transported home by the investigating officer, provided there are no other means of transportation available.
- C. In either of the above instances, the distance traveled must be reasonable and requires the permission of a supervisor.

338.02 OFFICER AND MOTORIST SAFETY

- A. Officers on routine patrol who observe an occupied vehicle parked with the hood raised or other indications of mechanical failure shall stop and investigate such vehicle to see if the motorist needs assistance.
- B. If such vehicle is occupied by a female, or a senior citizen regardless of gender, and it is during daylight hours, the officer shall:
 - 1. Ascertain if assistance is needed, transport the motorist to a safe location in accordance with General Order 338.01, and request needed assistance through the Police Information Center.
 - 2. Request assistance from the Courtesy Patrol, if appropriate.

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- 3. Remain in service. If a call is received, the officer shall inform the motorist that they must answer a call. The officer shall check back after completing the call.
- C. During hours of darkness, for any stranded motorist, the officer shall:
 - 1. Call out of service, ascertain if assistance is needed, transport the motorist to a safe location as per General Order 338.01.
 - 2. Evaluate the situation for the safety of both the motorist and the officer. The officer may:
 - a. Call for an additional unit to monitor traffic while the officer provides assistance.
 - b. Make a reasonable attempt to move the vehicle from a traffic lane or other hazardous location.
 - c. In a situation on a major freeway where the officer and the motorist are at risk, the officer shall request assistance from the Fire Department to send a truck to develop a safety zone for the officer and the motorist. Examples of high risk situations include, but are not limited to, bridges and overpasses, disabled vehicle in a lane of traffic or inside shoulder, blind curves, or narrow roadways.
 - 3. While awaiting the arrival of a requested wrecker, the officer and motorist may monitor the disabled vehicle from a safer location within viewing distance. Once the wrecker arrives, the officer will set up a safety perimeter for the personnel and the vehicle.
- D. Police Information Center personnel may notify the nearest road service facility when requests are received from field personnel.
- E. If a road service facility cannot be contacted, cannot respond, or other assistance cannot be routed to the safe location, the dispatcher shall send an officer, with supervisory approval, to provide transportation subject to General Order 338.01.

338.03 VULNERABLE PERSON ACCOMPANYING ARRESTED PERSON

- A. At the scene of an arrest where the arrested person is accompanied by a juvenile who is not taken into custody or by an adult who is not arrested but is disabled, elderly, or incapable of arranging their own transportation, the arresting officer shall be responsible for insuring the safety of the accompanying person.
- B. The arresting officer may direct an assist officer to transport the accompanying person to a telephone to call for assistance. The assist officer may also transport the accompanying person home provided there is no other means of transportation available.
- C. In either of the above instances, the distance traveled must be reasonable and requires the permission of a supervisor.
